

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Ethan Glass (Bar No. 216159)

2 ethanglass@quinnemanuel.com

Michael Lyle (*pro hac vice* forthcoming)

3 michaellyle@quinnemanuel.com

Eric Lyttle (*pro hac vice* forthcoming)

4 ericlyttle@quinnemanuel.com

1300 I St. NW, Suite 900

5 Washington, District of Columbia 20005

Telephone: (202) 538-8000

6 Facsimile: (202) 538-8100

7 Margret M. Caruso (Bar No. 243473)

margretcaruso@quinnemanuel.com

8 555 Twin Dolphin Drive, 5th Floor

Redwood Shores, California 94065

9 Telephone: (650) 801-5000

Facsimile: (650) 801-5100

10 *Attorneys for Defendants Express Scripts*

11 *Holding Co. and Express Scripts, Inc.*

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 CZ SERVICES, INC. d/b/a CAREZONE
15 PHARMACY,

16 Plaintiff,

17 v.

18 EXPRESS SCRIPTS HOLDING CO. and
19 EXPRESS SCRIPTS, INC.,

20 Defendants.

Case No. 3:18-cv-4217-EDL

**DECLARATION OF ETHAN GLASS IN
SUPPORT OF EXPRESS SCRIPTS'
MOTION TO TRANSFER**

Hearing Date: August 28, 2018

Time: 9:00 a.m.

Place: Courtroom E

Judge: Magistrate Judge
Elizabeth D. Laporte

1 I, Ethan Glass, declare as follows:

2 1. I am a member of the State Bar of California, admitted to practice before this
3 Court, and a partner in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for
4 Defendants Express Scripts Holding Company and Express Scripts, Inc. (collectively, "Express
5 Scripts"). I have personal knowledge of the facts set forth in this declaration.

6 2. I make this declaration in support of Express Scripts' Motion to Transfer, filed
7 herewith.

8 3. A true and accurate copy of the PSAO Pharmacy Affiliation executed by CZ
9 Services with AccessHealth is attached hereto as Exhibit 1.

10 4. A true and accurate copy of relevant portions of the PSAO Pharmacy Provider
11 Agreement is attached hereto as Exhibit 2.

12 5. A true and accurate copy of relevant portions of CZ Services' May 2015 Provider
13 Certification is attached hereto as Exhibit 3.

14 6. A true and accurate copy of relevant portions of the Provider Manual is attached
15 hereto as Exhibit 4.

16 7. A true and accurate copy of the April 12, 2017 cease-and-desist letter sent by
17 Express Scripts to CZ Services is attached hereto as Exhibit 5.

18 8. A true and accurate copy of the letter CZ Services sent to Express Scripts on
19 October 5, 2017, is attached hereto as Exhibit 6.

20 9. A true and accurate copy of the letter CZ Services sent to Express Scripts on
21 February 12, 2018, is attached hereto as Exhibit 7.

22 10. A true and accurate copy of the letter CZ Services sent to Express Scripts on March
23 9, 2018, is attached hereto as Exhibit 8.

24 11. A true and accurate copy of the April 2, 2018 termination letter sent by Express
25 Scripts to CZ Services is attached as Exhibit 9.

26 12. A true and accurate screenshot of a portion of the CareZone Pharmacy Assistance
27 Additional Terms of Service, <https://carezone.com/pharm-tos>, taken on July 23, 2018, is attached
28 hereto as Exhibit 10.

